

REMARKS/ARGUMENTS

After entry of this paper, claims 2-7, 9, and 14 are pending. Claims 12 and 13 are cancelled in view of the amendments made to claim 4. Claims 4 and 14 are amended to recite one embodiment of the claimed invention. Support for these amendments is found in the specification on page 4, line 1 through page 8, line 9 and page 14, line 1 through page 16, line 21. No new matter is added by these amendments.

35 USC § 103(a) Rejection

Claims 2-7, 9, and 12-14 are rejected under this section over US Patent Nos. 6,355,649 ('649) and 6,331,562 ('562).

The Examiner asserted that it would have been obvious to employ both of the compounds of '648 and '562 in a method of inducing contraception and that concomitantly employing two agents, which are known to be useful for contraception individually, in a method useful for the very same purpose, is obvious.

Applicants respectfully request reconsideration and withdrawal of this rejection for the following reasons.

As amended, the claims encompass a preferred class of compounds encompassed by the invention. No combination of '648 with '562 would lead one to select the specifically claimed compounds for use in combination with one or more selective estrogen receptor modulator (SERM) for contraception. This is further supported by the genus which encompasses a vast number of progestins known in the art which may be useful for contraception. Therefore, in order to make a proper rejection, the Examiner is required to consider the size of the genus of progestins. Clearly, that genus is so large as to not suggest the presently claimed compounds with or without a SERM.

Therefore, Applicants maintain that no combination of '648 with '562 could possibly lead one to select the compounds encompassed by the pending claims and utilized the same with a SERM for contraception.

Reconsideration of this rejection is requested.

The Director is hereby authorized to charge any deficiency in any fees due with the filing of this paper or during the pendency of this application, or credit any overpayment in any fees to our Deposit Account No. 08-3040.

Respectfully submitted,

Howson & Howson LLP

By: 

Tracy U. Palovich

Registration No. 47,840

Suite 210

501 Office Center Drive

Fort Washington, PA 19034

Telephone: 215-540-9200

Facsimile: 215-540-5818